

Dear FCC,

I firmly believe that forcing consumer electronics hardware manufacturers to add and comply with copyright protection mechanisms will seriously curtail adoption of new technologies, innovation, and users' rights.

Copyright violations are an unquestionable problem for those who deserve compensation, but the ability to create and distribute near-perfect digital copies is inevitable.

There are several reasons why copy protection will never work on a wide-spread basis:

- Near perfect digital copies of content already exist on CDs and DVDs. The content can be copied to other CDs or DVDs or transcoded into other formats such as MP3 or MPEG4.

- Protection in new hardware doesn't eliminate the vast amount of hardware currently in use that lacks protection.

- It takes just one copy to be released for it to be widely distributed. This could come from a computer crack or a pirate receiver, either way, the result is the same.

- Analog. The ability will always exist to make an analog recording, as the media must be converted into an analog format for human recognition. Current analog recording devices have extremely high fidelity. Imagine their quality 5 years from now; recording an analog copy from a high end display system showing the content from the successor to DVD could result in quality equal to or better than the DVDs of today.

- And, the vast majority of consumers don't much care for high/perfect quality. Consider MP3s. MP3s result in inferior audio playback compared to a CD source track, but consumers prefer their versatility (smaller file sizes, smaller portable players, home/work computer archives, etc.). The adoption of DVDs was not based on quality but again on versatility - instant access to a particular point in a movie vs tape winding, added bonus features, low cost. Most TV and/or home theater setups don't come close to being able to display the quality provided by the source DVD. (I certainly don't use a component connection to an HDTV; I have regular RCA hookups to the back of a VCR that still uses a coax cable to connect to the TV - I don't even use SVideo!!!). Computer users who transfer movies don't seem to mind blocking, pixelation, and artifacts. And a large portion of these movies come from some one who used a video camera in a movie theater!

- The public wants the ability to freely trade and use electronic media. We want to pause live TV. We want to time shift. We want to keep a personal recording. We want to be able to give our friends a copy of an episode of a show they missed. We want to be able to communicate and share experiences.

I have some other comments to include as well. Piracy is not as damaging as superficial analyses describe.

The RIAA complains that CD sales are down. Piracy is blamed. There is no consideration given to a sagging economy, similarly priced DVDs which offer more bang for the buck, competing demands for consumers' entertainment time, as rising Internet use shows, or the simple lack of a compelling product to sell - I still purchase music from the bands that I enjoyed in the late 90s, but there are only a handful of acts today that even remotely grab my attention. Note to the RIAA - sell a more enticing product, such as musical DVDs that include the album, along with a 'making-of,' live concert videos, and interviews with band members.

Thank you for your time, and I would gladly follow up if you have any questions,
Eric Bailey